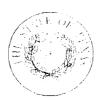
Kathleen Hartnett White, Chairman Larry R. Soward, Commissioner Glenn Shankle, Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 30, 2006

Mr. Rodney A. Baltzer President Waste Control Specialists LLC 5430 LBJ Freeway, Suite 1700 Three Lincoln Center Dallas, Texas 75240

Re: Proposed Low-Level Radioactive Waste License No. RW4100

RN104392790/CN600616890

Dear Mr. Baltzer:

This is in response to your August 8, 2006 letter on behalf of Waste Control Specialists LLC (WCS) requesting additional time to address remaining unresolved issues by revision to its application for a license to authorize low-level radioactive waste disposal. As you know, House Bill 1567 of the 78th Texas Legislature, Regular Session, established a schedule and various milestones for the licensing of a low-level radioactive waste disposal facility. Section 401.237 of the Texas Radiation Control Act provides that the Texas Commission on Environmental Quality (TCEQ) shall complete the technical review of the application and prepare a draft license not later than the fifteenth month after the month in which the technical review began, which would be August 31, 2006 for the WCS application.

The Texas Radiation Control Act does not specifically address an extension of the technical review period for an application nor does it provide consequences or direction for exceeding the fifteen month timeframe. The TCEQ rule in Title 30, Texas Administrative Code (TAC) §281.19(c) allows the Executive Director to approve a request for extension to respond to a notice of deficiency (NOD). Pursuant to that rule, I will conditionally grant an extension to WCS to respond fully to the second NOD by May 1, 2007. This extension is conditioned upon any future direction or clarification by the Texas Legislature on the extension of the technical review beyond the statutory fifteen month period. If the Legislature makes clear that review may not continue beyond the fifteen months, I will return the application to WCS.

Mr. Rodney A. Baltzer August 30, 2006 Page 2

re: Proposed Low-Level Radioactive Waste License No. RW4100

If this extension remains in place and WCS submits an application by May 1, 2007, that thoroughly addresses all remaining unresolved issues identified in our previous correspondence, I anticipate that agency staff will need five months to review your submission, write an Environmental Analysis and prepare a recommendation on the application, including a draft license, if applicable. If you have any additional questions, please contact Susan Jablonski, P.E., of my staff at (512) 239-6731.

Sincerely,

Glenn Shankle, Executive Director

Texas Commission on Environmental Quality